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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,616	03/11/2004	James R. Baumann	206.00300102	6205
26813	7590	05/05/2006	EXAMINER	
MUETING, RAASCH & GEBHARDT, P.A.			KOVACS, ARPAD F	
P.O. BOX 581415			ART UNIT	
MINNEAPOLIS, MN 55458			PAPER NUMBER	
			3671	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/798,616	Applicant(s) BAUMANN ET AL.	
	Examiner Árpád Fábíán Kovács	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pace (5179823).

Pace discloses:

claim 14:

a deck assembly comprising:

a deck (21) defining a cutting chamber is bound at least in part by a rear enclosure member (rear part of the downwardly directed skirt 21b and upper platform surface 21a; col. 4, ln 34);

a rectangular (see fig 6; covered by the door 60A, but open during operation of the discharge port) rear discharge port on the rear portion of the deck (fig 3, 6);

a duct / discharge chute (39) substantially rectangular extending through the rear enclosure between the cutting chamber and the rectangular rear discharge port (see fig 6), and the duct defining a duct axis that is substantially parallel to a longitudinal axis of the mower (fig 3);

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cl. 15:

width dimensions as claimed (see fig 6; the vertical height is less than the width);

cl. 16:

at least a portion of the duct is frmed by an underside of the deck (see fig 6, at ref 62, the bottom plate);

cl. 17:

at least a portion of the duct is formed by the rear enclosure member (fig 6).

Claim Rejections - 35 USC § 103

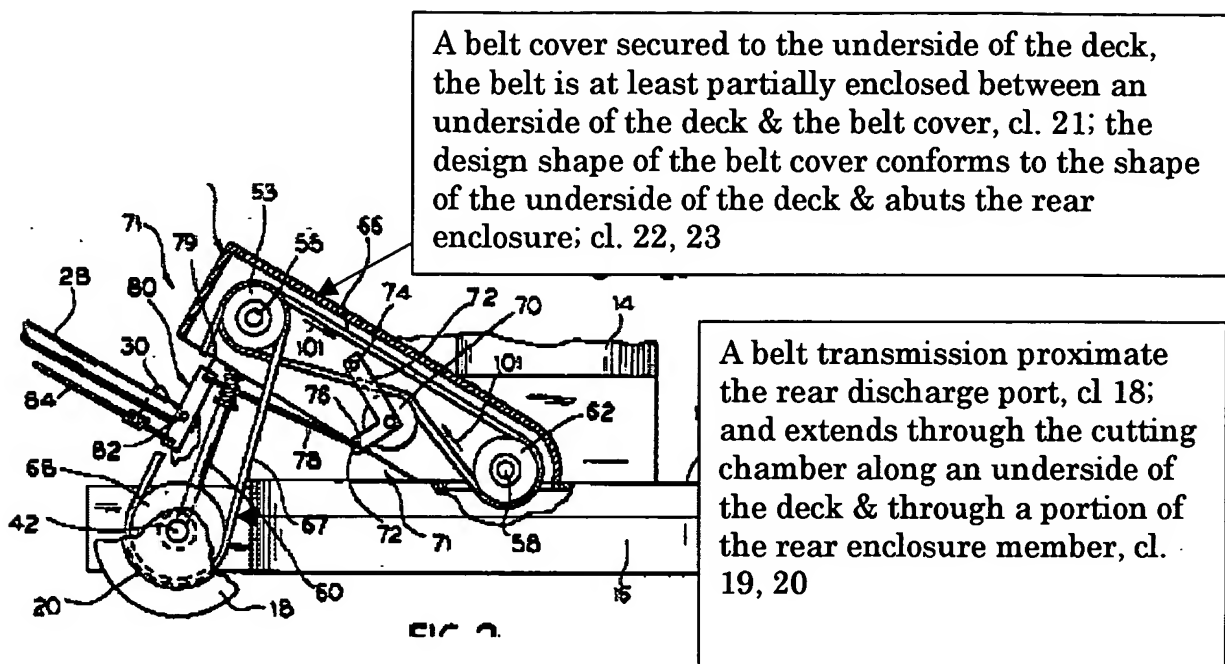
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pace (5179823), in view of Scag (4146105, cited by Applicant).

Pace discloses the claimed device except for the self propelled (driven rear wheels) aspect of the mower as claimed.

Scag discloses that it is known in the art to provide:



It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the mower of Pace with the teachings of Scag, in order to self propel the mower, so that the operator does not tire, while the drive system being less prone to wear (Scag, col. 1).

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4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pace (5179823) and Scag (4146105, cited by Applicant), in view of Sugden (6192666).

Pace & Scag combination discloses the claimed device except for side discharge port.

Sugden discloses that it is known in the art to provide a side discharge port, because it is not always permitted to collect grass clippings; therefore Sugden provides both a rear discharge & collection means and a side discharge means (col. 1, ln 6-15; col. 2, ln 45-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the deck of Pace & Scag combination with the teachings of Sugden, in order to be able to conform to varying conditions/rules as to collecting grass clippings and discharging back to the field.

Response to Arguments

5. Applicant's arguments with respect to claims 16-24 have been considered but are moot in view of the new ground(s) of rejection.

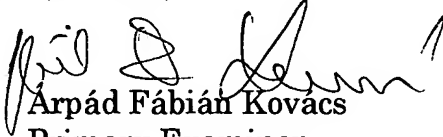
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Israel, Hartley, Wark, Voigt.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Árpád Fábián Kovács
Primary Examiner
Art Unit 3671

ÁFK